

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegation of possession of assets disproportionate to the known sources of income against Sri Ch.Rajeswara Rao, Motor Vehicles Inspector (now retired) – Prosecution sanctioned – Convicted by the Hon'ble Court of the First Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, City Civil Courts, Hyderabad in C.C.No.40 of 2008 on 12.2.2013 – Imposition of punishment of withholding of entire pension besides gratuity – Orders issued.

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TRANSPORT, ROADS AND BUILDINGS (VIG.III.2) DEPARTMENT

G.O.Ms.No. 50

Dated 20.05.2013.

Read the following:

1. G.O.Ms.No.2, General Administration (Services-C) Deptt., Dated 04.01.1999.
2. G.O.Ms.No.240, General Administration (Ser.C) Deptt., dated 04.08.2003.
3. G.O.Ms.No.274, Transport, Roads & Buildings (Vig.III.2) Department, Dated 25.09.2008.
4. Judgement Dated 12.2.2013 of the First Additional Special Judge for SPE & ACB Cases-cum-Additional Chief Judge, City Civil Courts, Hyderabad in C.C.No.40 of 2008.

O R D E R:

On the allegation of possession of assets disproportionate to the known sources of his income, the Anti Corruption Bureau Officials registered a case in Cr.No.10/ACB.HR/2005 on 7.6.2005 against Sri Ch.Rajeswara Rao, the then Motor Vehicle Inspector Under Section 13(3) read with 13(1) (e) of P.C.Act, 1988. The investigations for the check period from 01.07.1977 to 17.06.2005 revealed that he is in possession of assets disproportionate to the tune of Rs. 1,22,65,502/- for which he could not account for satisfactorily.

2. In the G.O. third read above, in exercise of the powers conferred by clause (b) of sub section (1) of Section 19 of Prevention of Corruption Act, 1988, the Government of Andhra Pradesh, accorded sanction for the prosecution of the said Sri Ch.Rajeswara Rao, in a Court of Law.

3. In the judgement, fourth read above, the Honourable Court of the First Additional Special Judge for SPE & ACB Cases-cum-V-Additional Chief Judge, City Civil Courts, Hyderabad found that the accused is guilty of the offence under section 13(1)(e) read with section 13(2) of the Prevention of Corruption Act, 1988 and accordingly, convicted the accused under section 248 (2) Cr.P.C. for the said offence and sentenced to undergo a Rigorous imprisonment for a period of three (3) years and also to pay a fine of Rs.1,00,000/- (Rupees one lakh only) or in default of the payment of the fine amount, to undergo a simple imprisonment for a period of four (4) months. The period of detention, if any, undergone by the accused during the investigation and the trial of this case, shall be set off under section 428 Cr.P.C. against the term of the imprisonment imposed under this sentence. The Honourable Court further held that an amount of Rs.20,53,187/- which is assessed as the value of the disproportionate assets of the accused shall be confiscated to the State

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under section 452 Cr.P.C. after the appeal time is over. The accused shall deposit this amount before the court within four (4) months from the date of the judgement and that shall, in turn, be remitted to the Government, failing which, the State shall take steps for realization of this amount by selling the assets of the accused mentioned in Annexure-I appended to the charge sheet. On compliance of the condition of depositing the amount by the accused or in the alternative, the realization of the said amount by the State as directed above, all the documents of title to the properties of the accused and also the other material seized from the house of the accused under separate made up files by the investigating agency and a cash of Rs.73,450/- seized under Ex.P.116 and also another cash of Rs.20,250/- seized under Ex.P.6 during the course of the searches conducted in the process of the investigation of this case shall be returned to the accused on proper identification, after the appeal time is over.

4. Government after careful consideration of facts and circumstances of the case, have decided to impose the punishment of withholding of 100% pension besides the entire gratuity of Sri Ch.Rajeswara Rao, Motor Vehicles Inspector (Retd.).

5. Accordingly, Government in exercise of the powers conferred by clause (x) of Rule 9 and sub-rule (1) of Rule 25 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 read with G.O.Ms.No.2, General Administration (Ser.C) Department, Dated 4.1.1999 and also read with the Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, hereby impose the punishment of withholding of 100% pension besides the entire gratuity to be payable to Sri Ch. Rajeswara Rao, Motor Vehicles Inspector (Retired) with immediate effect.

6. In respect of confiscation of assets, the matter is under examination.

7. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. LAKSHMI PARTHASARATHY,
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Ch.Rajeswara Rao, Motor Vehicles Inspector (Retired) through the Transport Commissioner, Andhra Pradesh, Hyderabad.
The Transport Commissioner, Andhra Pradesh, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
Copy to:
The Director General, Anti Corruption Bureau, Hyderabad.
The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER.